

UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

RONECA ECHOLS,

Plaintiff,

-vs-

EXPRESS AUTO, INC.,

Defendant.

Case No. 1:19-CV-00131  
Hon. Janet T. Neff  
Magistrate Judge: Sally J. Berens

**RESPONSE TO MOTION FOR STAY OF EXECUTION ON JUDGMENT [R.63]**

For the reasons set forth in the accompanying brief in support, the Plaintiff Roneca Echols objects to the motion but does not oppose the relief requested under the terms proposed in the motion.

Respectfully Submitted,

By: s/ Ian B. Lyngklip  
Ian B. Lyngklip P47173  
Sylvia Bolos P78715  
LYNGKLIP & ASSOCIATES,  
CONSUMER LAW CENTER, PLC  
Attorney for Roneca Echols  
418 N. Main Street, Ste. 200  
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Dated: August 3, 2020

UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

RONECA ECHOLS,

Plaintiff,

-vs-

EXPRESS AUTO, INC.,

Defendant.

Case No. 1:19-CV-00131  
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**BRIEF IN SUPPORT OF**  
**RESPONSE TO MOTION FOR STAY OF EXECUTION ON JUDGMENT**  
**[R.63]**

**Objection #1**

In its motion, Defendant Express Auto, Inc. alleges that it sought concurrence in the motion that and Plaintiff's Counsel rejected that request:

Pursuant to Local Rule 7.1(d), counsel for Defendant, Cardelli Lanfear P.C., contacted Plaintiff's counsel, Attorney Sylvia Bolos, by email on July 22, 2020 requesting concurrence in the relief requested in the present motion, Defendant's Motion for Stay of Execution. A telephone conference was held with counsel for Plaintiff, Attorneys Ian Lyngklip and Sylvia Bolos, on that date. Plaintiff's counsel was unable to concur at that time. Therefore, Defendant is proceeding to file the present Motion for Stay of Execution.

Respectfully submitted,

/s/Robert Kaatz (P65394)

*Certificate of Concurrence, R. 64 at PageID 880. According to this certification, Plaintiff's Counsel refused to concur, thus necessitating this motion.*

Notwithstanding these allegations, Plaintiff's Counsel Ian Lyngklip did not refuse to concur, and instead offered to stipulate to an order identifying the policy which defense counsel offered. Again, while Plaintiff does not oppose the posting of an insurance policy as security, Counsel objects to the representation that he refused to stipulate to the relief and necessitated this motion.

**Objection #2**

In support of its motion, Defendant Express Auto tendered the purported affidavit of Ms. Jena Palmer (R. 59-2 and R. 63-2). While the document is offered as an affidavit attesting to the fact that the policy covers the Defendant Express Auto in this case, and that the insurer has agreed that it will pay up to the policy limits of \$500,000. This document however has not been properly executed and is not properly considered by the Court.

**Concurrence in the Relief**

Ms. Echols hereby concurs in the requested relief upon condition of the posting of the proffered policy by American Guarantee and Liability Insurance Company in the amount of \$500,000.00.

Respectfully Submitted,

By: s/ Ian B. Lyngklip

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**CERTIFICATE OF COMPLIANCE REGARDING WORD COUNT**

The word count in this motion and brief is approximately 655 including captions, pursuant to Microsoft Word, version Office 365.

Respectfully Submitted,

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Sylvia Bolos P78715

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**CERTIFICATE OF SERVICE**

I certify that on August 3, 2020, I will electronically file the document above with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following persons:

<b>Party</b>	<b>Manner</b>
Robert A. Kaatz Cardelli Lanfear, P.C. 322 W. Lincoln Ave. Royal Oak, MI 48067	Via CM/ECF System

Respectfully Submitted,

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